

# The Gazette of India



**PUBLISHED BY AUTHORITY**

**No. 2] NEW DELHI, SATURDAY, JANUARY 10, 1953**

## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 3rd January 1953 :—

Issue No.	No. and date	Issued by	Subject
177	S. R. O. 2120, dated the 24th December 1952.	Election Commission, India.	Publication of Election Petition No. 53 of 1952.
	S. R. O. 2121, dated the 24th December 1952.	Ditto.	Publication of Election Petition No. 60 of 1952.
	S. R. O. 2122, dated the 24th December 1952.	Ditto.	Publication of Election Petition No. 242 of 1952.
178	S. R. O. 2123, dated the 22nd December 1952.	Ditto.	Publication of Election Petition No. 16/308 of 1952.
	S. R. O. 2124, dated the 27th December 1952.	Ditto.	Publication of Election Petition No. 335 of 1952.
	S. R. O. 2125, dated the 27th December 1952.	Ditto.	Publication of Election Petition No. 30 of 1952.
179	S. R. O. 2126, dated the 29th December 1952.	Ditto.	Publication of Election Petition No. 246 of 1952.
180	S. R. O. 2127, dated the 30th December 1952.	Ministry of Food and Agriculture.	Amendment made in the Foodgrains (Licensing and Procurement) Order, 1952.
	S. R. O. 2128, dated the 30th December 1952.	Ditto.	Enforcement of Foodgrains (Licensing and Procurement) Order, 1952 respect of certain Foodgrains.
	S. R. O. 2129, dated the 30th December 1952.	Ditto.	Cancellation of a notification No. S.R.O. 1949, dated the 25th November 1952.
181	S. R. O. 2130, dated the 30th December 1952.	Election Commission, India.	Publication of Election Case No. 1 of 1952.
182	S. R. O. 2131, dated the 31st December 1952.	Ministry of Food and Agriculture.	Amendment made in the Cotton seed (Control) Order, 1952.

Issue No.	No. and date	Issued by	Subject
183	S. R. O. 2132, dated the 31st December 1952.	Election Commission, India	Publication of Election Petition No. 117 of 1952.
	S. R. O. 2133, dated the 31st December 1952.	Ditto.	Publication of Election Petition No. 40 of 1952.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

### PART II—Section 3

**Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).**

#### ELECTION COMMISSION, INDIA

*New Delhi, the 30th December 1952*

**S.R.O. 42.—Corrigendum.**—In the Election Commission's notification No. VP-P/52(20), dated the 30th October, 1952, published in the *Gazette of India* Part I—Section 1, dated the 15th November, 1952, for "Vindhya Pradesh Legislative Assembly", read "House of the People".

[No. VP-P/52(21)]

**S.R.O. 43.**—It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under notification No. HY-P/52(2), dated the 12th April, 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively:—

Shri J. V. Joshi, Lal Chimney, Lamington Road, Bombay 11.

[No. HY-P/52(29)]

**S.R.O. 44.**—It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under notification No. BR-P/52(35), dated the 19th July, 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively:—

Shri Mosaheb Singh, Village Koro, P. O. Malathi, District Gaya, Bihar.

[No. BR-P/52(68)]

*New Delhi, the 5th January 1953*

**S.R.O. 45.**—It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under notification No. DL-A/52(10), dated the 17th April, 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively:—

Shri Bishan Singh, 4298, Gali Dharam Shala, Sadar Bazar, Delhi.

[No. DL-A/52(62).]

P. N. SHINGHAL, Secy.

**MINISTRY OF LAW***New Delhi, the 5th January 1953*

**S.R.O. 46.**—In exercise of the powers conferred by rule 1, read with clause (a) of rule 8B of Order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Law No. S.R.O. 512, dated the 9th September, 1950, relating to the authorisation of officers to sign and verify complaints or written statements in any suit by or against the Central Government, namely:—

In the Schedule to the said notification, after Part XXIII the following Part shall be added, namely:—

“XXIV. The Administrator, Chandernagore.”

[No. F.30-I/52-L.]

SHRI GOPAL SINGH, Dy. Secy.

**MINISTRY OF HOME AFFAIRS***New Delhi, the 29th December 1952*

**S.R.O. 47.**—In exercise of the powers conferred by clause (2) of article 77 of the Constitution, the President hereby directs that the following further amendment shall be made in notification of the Government of India in the Ministry of Home Affairs No. S.R.O. 167, dated the 19th June, 1950, namely:—

After item (7) of the said notification, the following item shall be inserted namely:—

“(8) in the case of Certificates of Competency issued (by the Ministry of Transport) under Section 16 and Section 290 of the Indian Merchant Shipping Act, 1923, by the Director General of Shipping, Bombay.”

[No. 34/21/52-Public.]

FATEH SINGH, Dy. Secy.

*New Delhi, the 30th December 1952*

**S.R.O. 48.**—In exercise of the powers conferred by clause (a) of sub-section (1) and sub-section (2) of section 4 of the Indian Ports Act, 1908 (XV of 1908), the Central Government hereby extends the said Act to the Ports of (1) Port Blair, (2) Camorta, (3) Car Nicobar, (4) Elphinstone Harbour and (5) Maya Bandar (formerly known as Port Bonington), in the Andaman and Nicobar Islands, and further declares that the limits of each such port shall, for the purpose of the said Act be as follows:—

1. *Port Blair.*—A line drawn from North Point, North Bay, to the Northernmost point of Ross Island, thence along the Western shore of Ross Island at high water level to the Southernmost point of Ross Island, thence to the Sesostris Shoal, thence to Corbyn's Cove, South, and thence round the harbour at high water level to North Point, North Bay.

2. *Camorta.*—A line drawn from the Northernmost point of Trinkat Island due West until it touches the Eastern shore of the Island of Camorta, thence along the Eastern and Southern shores of the Island of Camorta at high water level to Man Point, thence to Indian Point, thence along the Northern shore of Nancowry Island at high water level to Laire Point, thence to Morall Point and thence along the Western shore of Trinkat Island at High water level to the Northernmost point of that Island.

3. *Car Nicobar.*—A line drawn from Hog Point to Keating Point and thence along the shore of Sawl Bay at high water level to Hog Point.

4. *Elphinstone Harbour.*—All water excluding Homfray Strait enclosed by a line drawn from the peninsula on Middle Andaman on the Northern side of the entrance to Homfray Strait, to Cape Dalrymple on Guitar Island, and from Cape Dalrymple to the most Northerly point of North Passage Island and from the peninsula on North Passage Island at the Northern entrance of Mills Passage to the peninsula on Baratang Island at the Northern entrance to Colebrooke Passage.

5. *Maya Bandar*.—(Formerly known as Port Bonington)—

- (i) A line from Brown Point to Square Rock bearing S. 74 E.
- (ii) A line from Square Rock to Aves Point, bearing S.74W intersecting on the mainland with a line bearing No. 25 W. to Swamp Island.
- (iii) From a position on the mainland where the two lines bearing S.74W. from Square Rock and N.35W. to Swamp Island intersect to a position on Swamp Island where the two lines being N.35W. from the mainland and N.56E. to Brown Point intersect.
- (iv) From a position on Wamp Island where the two lines bearing N.35W. from the mainland, and N.56E. to Brown Point intersect to Brown Point.

[No. 56/3/49-(I)A.N.]

**S.R.O. 49.**—In exercise of the powers conferred by sections 7 and 36 of the Indian Ports Act, 1908 (XV of 1908), the Central Government hereby appoints each of the officers mentioned in column 1 of the Schedule hereto annexed to be the Conservator of the Port or Ports, specified opposite his name in the corresponding entry in column 2 thereof, and to receive all dues, fees and other charges authorised to be taken at such port or ports by or under the said Act and subject to the control of the Central Government to expend the receipts on any of the objects authorised by the said Act—

## THE SCHEDULE

Designation of officer 1	Name of Port or Ports 2
1. The Engineer and Harbour Master and Shipping Officer, Port Blair.	Port Blair and Elphinstone Harbour in the South Andamans.
2. The Deputy or Assistant Conservator of Forests as the case may be of North Andamans.	Maya Bandar (formerly known as Port Bonington), in the North Andamans.
3. The Assistant Commissioner, Nicobar lands.	Camorta and Car Nicobar in the Nicobar Islands.

[No. 56/3/49-(II)A.N.]

**S.R.O. 50.**—In exercise of the powers conferred by section 2, read with the second proviso to section 4 of the Part C States (Laws) Act, 1950 (XXX of 1950), the Central Government hereby directs that the notification of the Government of India in the Ministry of Home Affairs No. 8/13/49-Judl., dated the 5th September 1949, extending the United Provinces Power Alcohol Act, 1940 (United Provinces Act XIII of 1940) to the State of Delhi, shall be rescinded with effect from the 7th day of January, 1953.

[No. 20/15/52-Judl.]

E. C. GAYNOR, Dy. Secy.

New Delhi, the 5th January 1953

**S.R.O. 51.**—In exercise of the powers conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government hereby exempts, for the duration of their journey through India, Nepalese Government Police Officers Shri D. Raj, Shri B. B. Shah, Shri Bishnu Prasad and Shri Gaganman Singh, proceeding to Western Nepal on the 10th January, 1953 from all the prohibitions and directions contained in the said Act in respect of one .45 bore pistol and 12 cartridges each.

[No. 9/2/53-Police(I).]

U. K. GHOSHAL, Dy. Secy.

**MINISTRY OF STATES***New Delhi, the 26th December 1952*

**S.R.O. 52.**—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government specifies—

Jubraj Purna Chandra Deo Bhanj of Daspatha a member of the family of the Ruler of Daspatha State for the purposes of that entry and directs that the exemption shall be valid only in respect of two rifles, 2 shot guns and one pistol.

This Ministry's notification No. 148-D, dated 11th June 1952 is hereby cancelled.

[No. 234-D.]

**S.R.O. 53.**—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government specifies—

Rani Rajsundari Devi of Daspatha a member of the family of the Ruler of Daspatha State for the purposes of that entry and directs that the exemption shall be valid only in respect of one rifle, one shot gun and one pistol.

[No. 235-D.]

*New Delhi, the 6th January 1953*

**S.R.O. 54.**—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify—

1. Her Highness Maji Sahiba Shri Mansnighotji Sahiba, and

2. Her Highness Maharani Shri Shiv Kumari Sahiba,

members of the family of the Ruler of Kotah for the purposes of that Entry.

[No. 3-D.]

H. C. MAHINDROO, Under Secy.

**MINISTRY OF FINANCE****(Department of Economic Affairs)***New Delhi, the 26th December 1952*

**S.R.O. 55.**—In exercise of the powers conferred by sub-section (1) of section 5 of the Rehabilitation Finance Administration Act, 1948 (XII of 1948), read with clause (b) of sub-rule (1) of rule 2 of the Rehabilitation Finance Administration Rules, 1948, the Central Government hereby appoints the Collector of Bombay and the Director of Industries, Government of Bombay, as official members on the Regional Committee, Bombay, reconstituted by the Government of India in the Ministry of Finance, Notification No. F. 10(16)-F-I/51, dated the 23rd August, 1951.

[No. F.10(35)-F.I/52.]

S. K. SEN, Dy. Secy.

**MINISTRY OF FINANCE (REVENUE DIVISION)****CUSTOMS***New Delhi, the 10th January 1953*

**S.R.O. 56.**—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby exempts all theatrical equipment, including costumes not produced or manufactured in India which is the property of any Indian theatrical company or dancing troupe and which prior to its re-import into India was exported therefrom by the theatrical

company of the dancing troupe, as the case may be for the purpose of its tour abroad, from the import duty leviable thereon, provided that—

1. a detailed list of the goods being exported is submitted to the Customs Collector at the time of export and the identity of such goods, on re-import, is established with reference to such list duly signed and certified by the Customs-Collector;
2. no drawback of duty was paid on their export;
3. the ownership of the goods has not changed between the time of export and re-import; and
4. not more than one year has elapsed since the goods were exported.

[No. 2.]

**S.R.O. 57.**—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Finance (Revenue Division) No. 45-Customs, dated the 23rd October, 1948, namely:—

In the Schedule annexed to the said notification, in the entry against Serial No. 1 under the heading 'Nature of article' for the words 'except belting under item 72, and wire healds and bobbins under item 72(1)' the words 'except belting under item 72, wire healds and bobbins under item 72(1) and adapter bearings upto 2" bore diameter which are specially designed for use exclusively with power driven machinery and ball bearings of all kinds whether or not of British manufacture not exceeding 2" bore other than those adapted for use as parts and accessories of motor vehicles, (excluding motor cycles and motor scooters) and falling under item 72(3)' shall be substituted.

[No. 3.]

**S.R.O. 58.**—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby exempts adapter bearings upto 2" bore diameter which are specially designed for use exclusively with power driven machinery falling under item 72(3) of the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934), from the additional duties of customs leviable under section 5 of the Finance Act, 1951 (XXIII of 1951), read with section 3 of the Finance Act, 1952 (XXIX of 1952).

[No. 4.]

**S.R.O. 59.**—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby directs that the following further amendment shall be made in the Notification of the Government of India in the late Finance Department (Central Revenues) No. 33-Customs, dated the 22nd June 1935, namely:—

In the said notification, in Schedule I "Import Duties", under the head "A-General", in the entry against Serial No. 28L in column 2 for the words, figure and brackets "(1) newsprint in reels white or grey unglazed" the words, figure and brackets "(i) newsprint in reels white or grey unglazed or machine finished" shall be substituted.

[No. 5.]

E. RAJARAM RAO, Jt. Secy.

## CENTRAL BOARD OF REVENUE

### INCOME-TAX

*New Delhi, the 9th January 1953*

**S.R.O. 60.**—In pursuance of sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following

further amendment shall be made in the Schedule appended to its Notification No. 32-Income-tax, dated the 9th November 1946, namely:—

In the Schedule appended to the said notification, under the sub-head 'IV—Uttar Pradesh and Vindhya Pradesh', for the Ranges, Income-tax Circles and Wards the following Ranges and Income-tax Circles shall be substituted, namely:—

*Agra:*

1. Agra.
2. Mathura.
3. Meerut.
4. Aligarh.

*Banaras:*

1. Banaras.
2. Azamgarh.
3. Gorakhpur.
4. Mirzapur.
5. Gonda.
6. Faizabad.

*Kanpur Range I:*

1. District I(ii), Kanpur.
2. District I(iii), Kanpur.
3. District I(iv), Kanpur.
4. District II(ii), Kanpur.
5. District II(iii), Kanpur.
6. District II(iv), Kanpur.
7. District II(v), Kanpur.
8. District III(i), Kanpur.
9. District III(ii), Kanpur.
10. District III(iii), Kanpur.
11. District III(iv), Kanpur.
12. District III(v), Kanpur.
13. District III(vi), Kanpur.
14. District III(vii), Kanpur.

*Kanpur Range II:*

1. District II(i), Kanpur.
2. Fategarh.

*Lucknow:*

1. Lucknow.
2. Sitapur.
3. Bareilly.
4. Shahjahanpur.

*Dehra Dun:*

1. Dehra Dun.
2. Saharanpur.
3. Muzaffarnagar.
4. Moradabad.
5. Rampur.
6. Najibabad.

*Allahabad:*

1. Allahabad.
2. Jhansi.
3. Vindhya Pradesh.
4. District I(i), Kanpur.

2. Where an Income-tax Circle stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax circle and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle is transferred shall on and from the date of this notification be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle is transferred.

[No. 1.]

K. B. DEB, Under Secy.

**MINISTRY OF COMMERCE AND INDUSTRY***New Delhi, the 3rd January 1953*

**S.R.O. 61.**—In exercise of the powers conferred by section 10 of the Indian Power Alcohol Act, 1948, (XXII of 1948), the Central Government hereby directs that the following further amendments shall be made in the Indian Power Alcohol Rules, 1950, namely:—

In the said Rules—

1. In clause (c) of rule 2, the words "and includes, in the State of Punjab, the Deputy Excise and Taxation Commissioner of the Division with reference to the districts under his charge and the Excise and Taxation Officer or the Assistant Excise and Taxation Officer in charge of the district, as the case may be" shall be inserted at the end.

In rule 56, the following proviso shall be added at the end, namely:—

2. "Provided that in the case of the State of Punjab this power shall be exercisable only by an officer of the Central Government not below the rank of Deputy Development Officer (Power Alcohol) and an officer of the Excise Department of the State not below the rank of Deputy Excise and Taxation Commissioner".

[No. 42(7)Plt./51/CI.]

A. S. SHARMA, Under Secy.

**RUBBER CONTROL***New Delhi, the 7th January 1953*

**S.R.O. 62.**—In exercise of the powers conferred by sub-section (2) of section 5 of the Rubber (Production and Marketing) Act, 1947 (XXIV of 1947), and in partial modification of the notification of the Government of India in the late Ministry of Industry and Supply No. 27(3)-1(VI)/50, dated the 14th August 1950, the Central Government on the recommendation of the United Planters' Association of Southern India, Coonoor, hereby nominate Mr. B. H. Whitehorn of Messrs. Aspinwall and Company, Limited, Fort Cochin, as a member of the Indian Rubber Board, *vice* Mr. E. Lefevre, *resigned*.

[No. 27(5)-Plt/50.]

**S.R.O. 63.**—In exercise of the powers conferred by section 25 of the Rubber (Production and Marketing) Act, 1947 (XXIV of 1947), the Central Government hereby directs that the following further amendment shall be made in the Rubber (Production and Marketing) Rules, 1947, namely:—

The words "at a meeting" in the proviso to sub-rule (3) of rule 17 of the said Rules shall be omitted.

[No. 29(2)-Plant/52.]

**CENTRAL TEA BOARD***New Delhi, the 7th January 1953*

**S.R.O. 64.**—In exercise of the powers conferred by clause (v) of sub-section (3) read with sub-section (5) of section 4 of the Central Tea Board Act, 1949 (XIII of 1949) the Central Government is pleased to nominate with effect from 1st January, 1953, Mr. S. Bhoothalingam, I.C.S., Joint Secretary to the Government of India in the Ministry of Commerce and Industry, as member of the Central Tea Board *vice* Mr. K. N. Kaul.

[No. 94(1)Plant/Tea/52.]

**COFFEE CONTROL***New Delhi, the 7th January 1953*

**S.R.O. 65.**—In exercise of the powers conferred by sub-section (3) of Section 4 of the Coffee Marketing Expansion Act, 1942 (VII of 1942), and in partial modification of the notification of the Government of India in the late Ministry of



Industry and Supply, No. 13(1)-I(6)/50, dated the 12th June, 1950, the Central Government hereby nominate Shri S. Bhoothalingam, I.C.S., Joint Secretary to the Government of India, Ministry of Commerce and Industry, as a member of the Indian Coffee Board *vice* Shri K. N. Kaul, *resigned*.

[No. 13(2)-Plt/50.]

N. V. RAO, Dy. Secy.

## MINISTRY OF FOOD AND AGRICULTURE

### (Agriculture)

*New Delhi, the 5th January, 1953*

**S.R.O. 66.**—In pursuance of the provisions of sub-section (t) of section (4) of the Indian Oilseeds Committee Act (IX of 1946) the Central Govt. is pleased to nominate Shri N. V. Naidu (Pakala) to be a member of the Indian Central Oilseeds Committee with effect from 1st April, 1952.

[No. F.5-102/52-Com.I.]

*New Delhi, the 5th January 1953*

**S.R.O. 67.**—The following draft of certain amendments to the Indian Oilseeds Committee Rules, 1947, which it is proposed to make in exercise of the powers conferred by section 17 of the Indian Central Oilseeds Committee Act, 1946 (IX of 1946), is published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 5th February, 1953.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

#### *Draft Amendments*

In rule 23 of the said Rules—

- (a) In sub-rule (4) for the words "not exceeding one-sixteenth as may be determined by the Committee," the words "as may be prescribed by the Committee in the rules framed for the purpose," shall be substituted.
- (b) In sub-rule (5) for the word "anna" the word "rupee" shall be substituted.

[No. F.5-75/52-Com.I.]

**S.R.O. 68.**—The following draft of certain amendments to the Indian Oilseeds Committee Provident Fund Rules, 1949, which it is proposed to make in exercise of the powers conferred by section 17 of the Indian Central Oilseeds Committee Act, 1946 (IX of 1946), is published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 5th February, 1953.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

#### *Draft Amendments*

1. In the said Rules,—For rule 9, the following rule shall be substituted, namely:—

"9. (1) The amount of subscription shall be fixed by the subscriber himself, subject to the following conditions:—

- (a) It shall be expressed in whole rupees;
- (b) It may be any sum, so expressed, not less than  $6\frac{1}{4}$  per cent., of his emoluments (i.e., one anna in the rupee) and not more than  $15\frac{5}{8}$  per cent. (i.e.,  $2\frac{1}{4}$  annas in the rupee).

(2) For the purposes of sub-rule (1) the emoluments of a subscriber shall be—

(a) in the case of a subscriber who was in the service of the Committee on the 31st March of the preceding year the emoluments to which he was entitled on the said date:

Provided that:

- (i) if the subscriber was on leave on the said date and elected not to subscribe during such leave or was under suspension on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty;
- (ii) if the subscriber was on deputation out of India on the said date or was on leave on the said date and continues to be on leave and has elected to subscribe during such leave, his emoluments shall be the emoluments to which he would have been entitled had he been on duty in India;
- (iii) if the subscriber joined the Fund for the first time on a day subsequent to the said date, his emoluments shall be the emoluments to which he was entitled on such subsequent date;
- (iv) in the case of a subscriber admitted to the benefits of the Fund with retrospective effect under sub-rule (2) or (3) of rule 8, his emoluments shall be the emoluments drawn by him during the whole of the period for which such retrospective effect is given, and he shall be allowed to pay the amount of subscription due on those emoluments in such monthly instalments not exceeding twelve as he may elect.
- (b) In the case of a subscriber who was not in the service of the Committee on the 31st March, of the preceding year, the emoluments to which he was entitled on the first day of his service or, if he joined the Fund for the first time on a date subsequent to the first day of his service the emoluments to which he was entitled on such subsequent date.

(3) The subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner:—

- (a) If he was on duty on the 31st March of the preceding year, by the deduction which he makes or agrees to be made in this behalf from his pay bill for that month;
- (b) If he was on leave on the 31st March of the preceding year and elected not to subscribe during such leave; or was under suspension on the said date, by the deduction which he makes or agrees to be made in this behalf from his first pay bill after his return to duty;
- (c) If he was on leave on the 31st March of the preceding year and continues to be on leave and has elected to subscribe during such leave, by the deduction he makes or agrees to be made in this behalf from his pay bill for that month;
- (d) If he has entered the service of the Committee for the first time during the year or joins the fund for the first time, by the deduction which he makes or agrees to be made in this behalf from his pay bill for the month during which he joins the fund.

(4) The amount of subscription so fixed shall remain unchanged throughout the year:

Provided that if a subscriber is on duty for a part of a month and on leave for the remainder of the month, and if he has elected not to subscribe during leave, the amount of the subscription payable shall be proportionate to the number of days spent on duty in the month.

(5) When a subscriber is transferred to Foreign Service or sent on deputation out of India, he shall remain subject to the rules of the Fund in the same manner as if he were not so transferred or sent on deputation."

## 2. In rule 11—

(a) for sub-rules (2) and (3) of rule 11, the following sub-rules shall be substituted, namely:—

"(2)—The Contribution shall be equal to 1/16th of the subscriber's emoluments drawn on duty. Should a subscriber elect to subscribe during

leave, his leave salary shall for the purpose of this rule be deemed to be emoluments drawn on duty."

"(3) The amount of contribution payable under sub-rule (2) shall be rounded to nearest whole rupee (eight annas and more counting as the next higher rupee)."

(b) after sub-rule (3), the following sub-rule shall be inserted, namely:—

"(4) To the account of each of the subscribers who has subscribed to the Fund with retrospective effect under sub-rule (2) or (3) of rule 8, the Committee shall make a contribution equal to 1/16th of the emoluments drawn by him during the whole of the period for which such retrospective effect is given, the contribution being payable on the 31st March of each of the two years, in which instalment payment of arrears of subscription are spread over, in proportion to the number of instalments paid up during the year and rounded to the nearest whole rupee."

3. In clause (v) of sub-rule (2) of rule 12 for the word "anna" in words "rupee (eight annas and more counting as the next higher rupee)" shall be substituted.

4. In clause (b) of sub-rule (4) of rule 14 for the word "anna" in word "rupee" shall be substituted.

[No. F.5-75/52-Com.I.]

J. S. RAJ, Under Secy.

#### (Agriculture)

*New Delhi, the 5th January, 1953*

**S.R.O. 69.**—In exercise of the powers conferred by sub-section (1) of Section 3 of the Destructive Insects and Pests Act, 1914 (II of 1914), the Central Government hereby directs that the following amendment shall be made in the order published with the notification of the Government of India in the late Department of Education, Health and Lands No. F.320/35-A, dated the 20th July, 1936, namely:—

Rule 10 of the said order shall be renumbered as sub-rule (1) and after this sub-rule as so renumbered the following sub-rule shall be inserted, namely:—

"(2) Rubber seeds from other countries may be imported into India only after fumigation and disinfection at the port of entry, namely Madras or Bombay, as the case may be."

[No. F.6-4/52-Dte.I.]

R. L. MEHTA, Dy. Secy

*New Delhi, the 10th January 1953*

**S.R.O. 70.**—In exercise of the powers conferred by clause 2(a) of the Vegetable Oil Products Control Order, 1947, as amended by the Government of India in the Ministry of Food & Agriculture Notification No. S.R.O. 2040, dated the 22nd December, 1951, I hereby authorise the officers specified in Col. 2 of the Schedule hereto annexed in respect of their respective jurisdiction in the State mentioned in Col. 1 to exercise, subject to such directions as may be issued by me from time to time in this behalf, the powers of the Vegetable Oil Products Controller for India under clause 13 of the said Order.

State (1)	Designation of Authority (2)
Hyderabad	Medical Officer of Health, Municipal Corporation, Secunderabad.
Bombay	1. Food Inspectors of Municipal Corporations and Municipalities appointed under Section 8 of the Bombay Prevention of Adulteration Act, 1925.

State (1)	Designation of Authority (2)
	2. Any Police Officer not below the rank of Police Sub-Inspector.
	3. District Magistrates, Additional District Magistrates, Sub-Divisional Magistrates and Taluka Magistrates.
	4. Deputy Commissioner of Police.
	5. District Supply Officers.
	6. District Distribution Superintendents.
	7. City Rationing Officers.
	8. Revenue Officers not below the rank of Aval Karkun.
	9. Medical Officer of Health, Municipal Corporation, Ahmedabad.
	10. Deputy Health Officer (Food and Licence Branch), Municipal Corporation, Ahmedabad.
	11. Rationing Officers and Assistant Rationing Officers.
	12. Rationing Inspectors.
	13. Assistant Health Officers and Medical Inspectors of the Public Health Department of the Municipal Corporation in Bombay City proper.
	14. Medical Officers of Health of Municipal Corporation, Bombay in suburbs merged in Greater Bombay.
	15. Sanitary Inspectors of the Public Health Department of the Bombay Municipal Corporation in suburbs merged with Greater Bombay.
	16. Chief Officers, Health Officers and Sanitary Inspectors of Municipalities.
	17. Officers of the Excise Department not below the rank of an Excise Sub-Inspector.

[No 2.-VP(2)/52.]

P. A. GOPALAKRISHNAN,

Vegetable Oil Products Controller for India.

## ORDER

*New Delhi, the 10th January 1953*

**S.R.O. 71.**—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the Vegetable Oil Products Control Order, 1947, namely:—

In sub-clause (1) of clause 5 of the said Order after the words "vegetable oil products" the words "and the maintenance of records relating to the same" shall be inserted.

[No. 2-VP-(2)/52.]

P. A. GOPALAKRISHNAN, Jt. Secy.

## MINISTRY OF HEALTH

*New Delhi, the 10th January 1953*

**S.R.O. 72.**—The following draft of further amendments to the Drugs Rules, 1945, which it is proposed to make in exercise of the powers conferred by sections 12 and 33 of the Drugs Act, 1940 (XXIII of 1940), is published as required by

the said sections for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 3rd April, 1953.

Any objection or suggestion which may be received from any person in respect of the said draft before the date specified will be considered by the Central Government.

#### *Draft Amendments*

In the said Rules—

1. In sub-rule (1) of rule 109

(a) to clause (b), the following proviso shall be added, namely:—

“Provided that no reference shall be made to any Import Licence Number granted by any authority outside India on any label or container or in any covering in which the container is packed or any other matter or advertisement enclosed therewith.”

(b) to clause (c) the following proviso shall be added, namely:—

“Provided that the batch number shall appear on every other covering in which the container containing the drug is packed.”

2. To clause (b) of rule 122, the following provisos shall be added, namely:—

“Provided that no reference shall be made to the number of any Import Licence granted by any authority outside India on any label or container or in any covering in which the container is packed or any other matter or advertisement enclosed therewith:

Provided further that the batch number shall appear on every other covering in which the container containing the drug is packed.”

[No. F.1-8/51-DS.]

S. DEVANATH, Under Secy.

*New Delhi, the 3rd January 1953*

**S.R.O. 73.**—Dr. George Prasadnananda Patnalk, L.D.Sc., Cuttack, has been duly elected with effect from the 29th October, 1952, as a member of the Dental Council of India from Orissa under clause (a) of section 3 of the Dentists Act, 1948 (XVI of 1948).

[No. F.6-2/52-MI(E).]

**S.R.O. 74.**—Dr. Mansookh Kallianji Patel, D.D.S. (U. Penn.), Bombay, has been duly elected with effect from the 23rd October 1952, as a member of the Dental Council of India from the Bombay State under clause (a), of section 3 of the Dentists Act, 1948 (XVI of 1948), vice Dr. G. V. Desai.

[No. F.6-2/52-MI(A).]

KRISHNA BIHARI, Asstt. Secy.

### MINISTRY OF REHABILITATION

*New Delhi, the 30th December 1952*

**S.R.O. 75.**—In exercise of the powers conferred by Section 4(i) of the Displaced Persons (Claims) Act, 1950 (XLIV of 1950), the Central Government is pleased to appoint Shri Rama Kant, to act as Claims Officer in addition to his own duties as a Valuation Officer in the Office of the Chief Settlement Commissioner.

[No. 33(62)AE/52.]

J. N. MATHUR, Asstt. Secy.

### MINISTRY OF COMMUNICATIONS

*New Delhi, the 3rd January 1953*

**S.R.O. 76.**—In exercise of the powers conferred by rule 160 of the Indian Aircraft Rules, 1937, the Central Government hereby directs that during the period

from the 1st January to 31st December, 1953, the following concessions shall be admissible to candidates for the grant of a commercial Pilots' (B) Licence, namely:—

1. Every such candidate shall be permitted to re-appear not more than thrice (instead of twice) for examination in any of the groups of the Technical Examination specified in paragraph 3 of Section C in Schedule II to the said Rules, in which he has failed.
2. The total period during which any such candidate shall pass in all the groups of the said Technical Examination shall be one year (instead of six months) from the date of the first examination.
3. The flying tests specified in section A to D of Schedule II to the said Rules respectively shall continue to be carried out within a maximum period of two months from the date of the first test undertaken, and together with the Technical Examinations specified in those Sections shall be completed within the overall period of 12 months from the date of the first successful examination (instead of nine months) preceding the date of receipt in Director-General of Civil Aviation's office of complete papers for the issue of the Licence.

[No. 10-A/78-52.]

P. K. SAMAL, Under Secy.

## MINISTRY OF TRANSPORT

### PORTS

*New Delhi, the 24th December 1952*

**S.R.O. 77.**—In exercise of the powers conferred by sub-section (1) of section 6 of the Indian Ports Act, 1908 (XV of 1908) the Central Government hereby directs that the following amendment shall be made to the Kandla Port Rules, 1950, the same having been previously published as required by sub-section (2) of the said section, namely:—

For rule 5 of the said Rules, the following shall be substituted, namely:—

"5. *Vessels entering or leaving or being moved in Port.*—No vessel of the measurement of two hundred tons or upwards shall enter, leave or be moved in the Port without having a pilot, Assistant Conservator or Assistant of the Deputy Conservator or Assistant Conservator on board and no mechanically propelled vessel of any measurement less than two hundred tons and no other vessel of any measurement less than two hundred tons and exceeding one hundred tons shall enter, leave or be moved in the Port without having a pilot, Assistant Conservator or Assistant of the Deputy Conservator or Assistant Conservator on board, unless authority in writing so to do has been obtained from the Conservator or some officer empowered by him to give such authority".

[No. 3-PH(89)/52.]

T. S. PARASURAMAN, Dy. Secy.

### (MERCHANT SHIPPING)

*New Delhi, the 29th December 1952*

**S.R.O. 78.**—In exercise of the powers conferred by section 21 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Central Government hereby directs that the following further amendment shall be made in the rules for the examination and grant of certificates of competency to engine-drivers of sea-going steamships having engines of under 50 nominal horse-power and engine-drivers of sea-going motor-ships having engines of under 282 brake horse-power, published with the notification of the Government of India in the late Department of Commerce No. 115-M.I./30, dated the 16th May 1931, as subsequently amended, namely:—

In each of the two forms of Certificates of Competency appended to the said rules as subsequently amended for the words "Secretary to the Government of India", the following shall be substituted, namely:—

"Secretary to the Government of India  
Director General of Shipping."

[No. 104-M.A.(12)/52.]

**S.R.O. 79.**—In exercise of the powers conferred by section 21 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Central Government hereby directs that the following amendment shall be made in the rules for the examination of Engineers in the Mercantile Marine published with the notification of the Government of India in the Ministry of Transport No. S.R.O. 240, dated the 9th February 1952, namely:—

In each of the seven forms of Certificates of Competency appended to the said rules for the words "Secretary to the Government of India", the following shall be substituted, namely:—

"Secretary to the Government of India  
Director General of Shipping."

[No. 104-M.A.(12)/52.]

**S.R.O. 80.**—In exercise of the powers conferred by section 21 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Central Government hereby directs that the following further amendment shall be made in the Rules relating to the examination of Masters and Mates in the Mercantile Marine published with the notification of the Government of India in the late Department of Commerce No. 21-M.I.(2)/30, dated the 6th December 1930, as subsequently amended, namely:—

In each of the seven forms of Certificates of Competency in Appendix L appended to the said Rules as subsequently amended for the words "Secretary to the Government of India", the following shall be substituted, namely:—

"Secretary to the Government of India  
Director General of Shipping."

[No. 104-M.A.(12)/52.]

**S.R.O. 81.**—In exercise of the powers conferred by section 290 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Central Government hereby directs that the following further amendment shall be made in the rules for the examination of and the grant of certificate of competency to persons desirous of practising the profession of a ship surveyor at any port in India and for the conduct of inquiries into charges of incompetency and misconduct on the part of the holders of such certificates, published with the notification of the Government of India in the late Department of Commerce No. 78-M.I./29, dated the 14th February 1931, as subsequently amended, namely:—

In the form of Certificate of Competency appended to the said rules as subsequently amended for the words "Secretary to the Government of India", the following shall be substituted, namely:—

"Secretary to the Government of India  
Director General of Shipping."

[No. 104-M.A.(12)/52.]

*New Delhi, the 3rd January 1953*

**S.R.O. 82.**—In exercise of the powers conferred by section 21 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Central Government hereby directs that the following further amendments shall be made in the Rules relating to the Examination of Masters and Mates published with the notification of the Government of India in the late Department of Commerce No. 21-M.I.(2)/30, dated the 6th December 1930, namely:—

In the said Rules—

(a) at the end of rule 23 the following shall be added namely:—

"The fee for examination must be paid to the Principal Officer";

(b) for rule 24, the following rule shall be substituted, namely:—

"24. *Attempted Bribery.*—If a candidate offers or attempts to offer any gratification to any officer of the Directorate-General of Shipping or the Mercantile Marine Department, for the purpose of being shown any favour in the examination, he will be regarded as having committed an act of misconduct and will be rejected. He will not be allowed to be examined again until a period of at least twelve months has elapsed from the date of the rejection of his candidature"; and

(c) for rule 140, the following rule shall be substituted, namely:—

"140. *Punishment for misconduct.*—Where in the opinion of the Director-General of Shipping a candidate has been guilty of any misconduct in relation to an examination (including insolence to any Examiner or disorderly or improper conduct in or about the room where the examination is held) or a breach of any of these rules, the candidate may be punished in one or more of the following ways:—

- (a) where the examination has not commenced or is not completed, the candidate may not be permitted to appear in the examination or, as the case may be, to take further part therein;
- (b) where the result of the examination has been declared, the result of the candidate may be amended.
- (c) where the candidate has been declared successful in the examination but has not been granted the necessary certificate, the certificate may be withheld, for such period as the Central Government may direct;
- (d) the candidate may be debarred from appearing in any examination under these Rules for such period as the Central Government may direct.

[No. 104-M.A.(16)/52.]

#### LIGHTHOUSES

*New Delhi, the 2nd January 1953*

**S.R.O. 83.**—In pursuance of section 4 of the Indian Lighthouses Act, 1927 (XVII of 1927), the Central Government hereby appoints Shri S. N. Surve, M.L.A., Ratnagiri, Ratnagiri Districts, as an additional member of the Central Advisory Committee for Lighthouses as reconstituted by this Ministry Notification No. 15-MT(4)/52, dated the 18th December 1952.

[No. 15-MT(4)/52.]

S. K. GHOSH, Dy. Secy.

#### PORTS

*New Delhi, the 5th January 1953*

**S.R.O. 84.**—In exercise of the powers conferred by sub-section (3) of section 3 of the Indian Ports Act, 1908 (XV of 1908), the Central Government hereby authorise Shri Walimohmed Aboobaker Subedar, Chief Officer of the Bombay Steam Navigation Company's Coasting Steamers, as a special Pilot to pilot vessels in the Port of Bombay, subject to the restrictions laid down in Part XII of the Bombay Port Trust Pilotage By-Laws.

[No. 8-P.I(211)/52.]

S. N. CHIB, Dy. Secy.

#### MINISTRY OF INFORMATION AND BROADCASTING

*New Delhi, the 29th December 1952*

**S.R.O. 85.**—In exercise of the powers conferred by sub-sections (1) and (2) of section 8 of the Cinematograph Act, 1952 (XXXVII of 1952), the Central Government hereby directs that the following further amendment shall be made in the Cinematograph (Censorship) Rules, 1951:—

"After rule 6, the following rule shall be inserted, namely:—

"6A. *Saving clause.*—No act or proceeding of the Board shall be called in question on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board."

[No. 35/23/51-F.(C.C.R.A./4).]



*New Delhi, the 5th January 1953*

**S.R.O. 86.**—Shrimati Lilawati Munshi and Dr. Amaranatha Jha, members of the Central Board of Film Censors will, under sub-rule (2) of rule 4 of the Cinematograph (Censorship) Rules, 1951, retire on 15th January 1953.

[No. 5/12/52-F.II.]

C. B. RAO, Dy. Secy.

## MINISTRY OF PRODUCTION

*New Delhi, the 30th December 1952*

**S.R.O. 87.**—In exercise of the powers conferred by section 17 read with section 19 of the Coal Mines (Conservation and Safety) Act, 1952 (XII of 1952), the Central Government hereby makes the following further amendment in the Coal Mines Safety (Stowing) Rules, 1939, the same having been previously published as required by sub-section (1) of section 17, namely:—

After sub-rule (2) of rule 30 of the said Rules, the following sub-rule shall be added, namely:—

“(3) A similar refund on the conditions mentioned in sub-rule (2) may be allowed in respect of the duty of excise collected on raw coal during its transport to washery in cases where the duty of excise is again collected on the washed coal sent from the washery to the consuming centres.

provided that—

- (a) no claim for such refunds under sub-rules (2) and (3) shall be entertained unless it is preferred within one year from the end of the quarter to which the claim relates;
- (b) refunds under sub-rules (2) and (3) shall be allowed after deduction of such percentage as the Central Government may, by general or special order, fix as the cost of collection of such duty.”

[No. 24-CI(3)/51.]

**S.R.O. 88.**—In exercise of the powers conferred by clause 4 of the Colliery Control Order, 1945, as continued in force by section 17 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), and in supersession of all previous notifications on the subject, the Central Government hereby fixes with effect from 15th January 1953, the following Schedule of prices per ton at which coal/coke may be sold by colliery owners in the Khasi States, Assam:—

### I. Lyngkyrdom Mine

Grade of Coal	Schedule of Prices		
	Rs.	A.	P.
Lump Coal . . . . .	15	12	0 per ton ex-pit-head.
Run-of-Mine Coal . . . . .	10	8	0 ” ” ”
Coke . . . . .	29	12	0 ” ” ”

### II. Laltryngew Mine

Grade of Coal	Schedule of Prices		
	Rs.	A.	P.
Lump Coal . . . . .	15	12	0 per ton ex-pit-head.
Run-of-Mine Coal . . . . .	10	8	0 ” ” ”
Coke . . . . .	29	12	0 ” ” ”

### III. Thanjlnath Mine (M/S. Assam Mining & Trading Co. Ltd.)

Grade of Coal	Schedule of Prices		
	Rs.	A.	P.
Lump Coal . . . . .	15	12	0 per ton ex-pit-head.
Run-of-Mine Coal . . . . .	10	8	0 ” ” ”

**Explanation 1.**—The prices do not apply to retail sales of less than one ton on any one day for delivery by road.

*Explanation 2.*—The prices are:—

(a) for a ton of 2,240 lbs;

(b) exclusive of Stowing Excise Duty, Rescue Station Excise Duty, Soft Coke Cess Excise Duty, State Sales Tax where leviable, and any other additional Excise Duty, cess or imposts which the Central Government may, hereafter, declare payable by consumers of coal, but are inclusive of all other cesses or imposts; and

(c) exclusive of Middleman's Commission.

[No. 4-CI(10)/52.]

*New Delhi, the 2nd January 1953*

**S.R.O. 89.**—In exercise of the powers conferred by clause 4 of the Colliery Control Order, 1945, as continued in force by Section 17 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Production No. 4-CI(2)/51, dated the 26th August, 1952, namely:—

In the said notification, for the table under the "Schedule of prices", the following table shall be substituted, namely:—

**I. SINGARENI GROUP OF COLLIERIES:**

<i>Grade of Coal</i>	<i>Price per ton</i>
	<sup>Rs.</sup> <sup>As.</sup> <sup>P.</sup>
Round Coal . . . . .	22 8 0
parator Nut Coal 1'-2" . . . . .	22 8
Nut Coal ½'-1" . . . . .	21 0 0
Run of mine Coal . . . . .	22 0 0
No. 2 coal . . . . .	21 8 0
Slack Coal 0'-½" . . . . .	20 8 0
Shale Coal . . . . .	13 4 0

**II. SASTI COLLIERIES:**

Run of Mine, Dust coal and slack . . . . .	15 1 0
Steam coal, Rubble and Smithy nuts . . . . .	16 1 0"

[No. 4-CI(2)/51]

P. M. NAYAK, Dy. Secy.

**MINISTRY OF WORKS, HOUSING AND SUPPLY**

*New Delhi, the 31st December 1952*

**S.R.O. 90.**—In exercise of the powers conferred by section 4 and sub-section (1) of section 29 of the Petroleum Act, 1934 (XXX of 1934), the Central Government hereby directs that the following further amendment shall be made in the Petroleum Rules, 1937, the same having been previously published as required by sub-section (2) of the said section 29, namely:—

In the proviso to rule 2A of the said Rules, for the figures '1952' the figures '1953' shall be substituted.

[No. M-102(44)(1)/51]

**S.R.O. 91.**—In exercise of the powers conferred by section 4 and sub-section (1) of section 29 of the Petroleum Act, 1934 (XXX of 1934), as applied to the Carbide of Calcium by the notifications of the Government of India in the late Ministry of Works, Mines and Power No. M-II-104(4), dated the 24th January, 1951, and in the late Ministry of Works, Production and Supply No. M. 128(9) (vii), dated the 18th May, 1951, the Central Government hereby directs that the following further amendment shall be made in the Carbide of Calcium Rules 1937, the same

ing been previously published as required by sub-section (2) of the said section namely:—

In the proviso to rule 2A of the said Rules, for the figures '1952' the figures '1953' shall be substituted.

[No. M-102(44) (ii) /51]

**S.R.O. 92.**—In exercise of the powers conferred by section 4 and sub-section 1) of section 29 of the Petroleum Act, 1934 (XXX of 1934), as applied to the storage and transport of cinematograph films having nitrocellulose base by the notifications of the Government of India in the late Ministry of Works, Mines and Power No. M. II-104(3), dated the 24th January 1951, and in the late Ministry Works Production and Supply No. M. 128(9)(iv), dated the 18th May 1951, the Central Government hereby directs that the following further amendment shall be made in the Cinematograph Film Rules, 1948, the same having been previously published as required by sub-section (2) of the said section 29, namely:—

In the proviso to rule 2A of the said Rules, for the figures "1952" the figures "1953" shall be substituted.

[No. M-102(44) (iii) /51]

*New Delhi, the 2nd January 1953*

**S.R.O. 93.**—The following draft of a further amendment to the Explosives Act, 1940, which it is proposed to make in exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), is published as required by section 18 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 1st February, 1953.

Any objection or suggestion, which may be received from any person in respect of the said draft before the date specified will be considered by the Central Government.

#### *Draft Amendment*

In rule 99 of the said Rules—

(a) in sub-rule (1)—

(i) after the words "District Authority" the words "or the Inspector of Explosives" shall be inserted.

(ii) after clause (b) of the proviso, the following clause shall be inserted, namely:—

"(c) In the application for such a permit, it is clearly stated whether a prior temporary permit in respect of the same premises or explosives has been issued whether in favour of the same person or another and where such a prior permit has been issued, no fresh permit shall be granted."

(b) after sub-rule (2) the following sub-rule shall be inserted, namely:—

"(3) Duplicate of the permits issued by the District Authority or Inspector of Explosives, shall be immediately forwarded by the issuing authority to the other".

[No. M-103(5)/52]

B. S. KALKAT, Under Secy.

#### **Central Boilers Board**

*New Delhi, the 2nd January 1953*

**S.R.O. 94.**—*Corrigendum.*—In the Indian Boiler Regulations, 1950, published with the notification of the Government of India in the late Ministry of Works, Mines and Power,

Central Boilers Board No. S.R.O. 600, dated the 15th September 1950, make the following corrections, namely:—

	Page	Regulation	
(1)	12	40-Table	For "Thinner than 5 S.W.G. upto and including 3 S.W.G." Read "Thicker than 6 S.W.G. upto and including 3 S.W.G."
(2)	13	43(d)(i)-Table	Under "Tolerance" against "Over 2½ in." For "+1%" Read "±1%".
(3)	11-12 & 14	39 and 44 (b)	Insert "outside" before the word "diameter".
(4)	14	44 (c)	For "Thinner than 5 S.W.G. and upto and including 3 S.W.G." Read "Thicker than 6 S.W.G. and upto and including 3 S.W.G."
(5)	20	54(a)-Table	Under "Ultimate Tensile Stress in tons per sq. in." For "27" Read "25".
(6)	27	78-Table	Under "Angle of Bend" For "90°" Read "120°" and For "120°" Read "90°".
(7)	58	187-Eqn. (20)	The "Root Sign" shall be continued over second <i>viz.</i> , $d = \frac{1}{2} \times \sqrt{(D+T)T} + N$ .
(8)	56-57	183-Table	Under "Co-efficient for Lap Joints" For "4.17" Read "4.14".
(9)	109	309-Eqn. (84)	In the last sentence For "Regs. 293" Read "Regs. 292".
(10)	107	293(b)-Eqn. (79)	The "Root Sign" shall be made as below <i>viz.</i> , $As = A \sqrt{1 + \frac{1.5T}{1000}}$
(11)	109	309(a)-Eqn. (80)	The figure "Pie" shall be added as below, <i>viz.</i> $W. P. = \frac{10,000 \pi d^3}{D A C K}$

N.B.—Consequential changes shall be made in the Formulae for Calculation of the "Safety Valves" in the Memorandum of Inspection and Registration Book—Page 181.

(12)	Page 193—Form III—	Under "Note" For "Branch" Read "Brand".
(13)	Page 193—Form III—	Under the heading "Part of boiler" For "drawn" Read "drum".
(14)	Page 200—Form VII—	At the end of the paragraph "The sections on.... withstood the test" Insert "in accordance with Regulation 504".
(15)	Page 207—Form IX—	Makers' Certificate—For "% Sulphur" Read "% Sulphur".
(16)	Page 114—Reg. 334—	In the third line For the word "or" between the words "Threads" and "Whitworth", Read "of".

[No. M/BL-311(3)/52  
B. S. KALKAT, Secy,  
Central Boilers Board.

### MINISTRY OF LABOUR

New Delhi, the 30th December 1952

S.R.O. 95.—It is hereby notified for general information that in pursuance of the provisions of paragraph 20 of the Employees' Provident Funds Scheme, 1952, made under Section 5 of the Employees' Provident Funds Act, 1952 (XIX of 1952),

the Central Government has, with effect from the 19th September, 1952, appointed Shri S. N. Shukla, Labour Commissioner, Rajasthan, to be the Regional Commissioner for the whole of the State of Rajasthan to work under the general control and superintendence of the Central Commissioner.

[No. P.F.516(52).]

*New Delhi, the 5th January 1953*

**S.R.O. 96.**—In pursuance of sub-paragraph (1) of paragraph 3 of the Coal Mines Provident Fund Scheme published with the notification of the Government of India in the Ministry of Labour No. P.F.15(5)/48, dated the 11th December, 1948, the Central Government hereby nominates Shri B. P. Singh, I.A.S., Commissioner of Labour, Bihar, Patna, as a member of the Board of Trustees of the Coal Mines Provident Fund constituted by the notification of the Government of India, in the Ministry of Labour No. P.F.15(13), dated the 12th April, 1950, *vice* Shri Ram Sinhasan Pande resigned.

[No. P.F.4(2)52.]

**S.R.O. 97.**—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby appoints Shri P. Tewary, Regional Conciliation Officer, Allahabad, Uttar Pradesh to be an Inspector for the whole of the State of Uttar Pradesh for the purposes of the said Act and of any Scheme made thereunder in relation to factories engaged in a controlled industry or in an industry connected with a mine or an oilfield.

[No. P.F.516(46).]

TEJA SINGH SAHNI, Under Secy.

*New Delhi, the 31st December 1952*

**S.R.O. 98.**—In exercise of the powers conferred by section 58 of the Mines Act, 1952 (XXXV of 1952), the Central Government hereby makes the following amendment to the Coal Mines Rescue Rules, 1939, the same having been previously published as required by sub-section (1) of section 59 of the said Act, namely:—

In rule 19 of the said rules, for the proviso the following proviso shall be substituted, namely:—

"Provided that, when it is proved to the satisfaction of the Committee or any person authorised in this behalf by the Committee, that any coal, on which the duty of excise had previously been collected:

(a) has been used in the manufacture of any coke; or

(b) has been sent to the washery;

and that duty has also been collected on such coke or the washed coal, as the case may be, the Committee or the authorised person may order refund to the person from whom such duty was collected of an amount equal to the duty of excise collected on the original coal less deduction of such percentage of the duty as the Central Government may, by general or special order, specify as the cost of collection of the duty.

Provided further that no claim for any such refund shall be entertained unless it is preferred within one year from the end of the quarter to which the claim relates."

[No. M-1(17)51.]

**S.R.O. 99.**—In exercise of the powers conferred by section 10 of the Coal Mines Labour Welfare Fund Act, 1947 (XXXII of 1947), the Central Government hereby makes the following further amendment to the Coal Mines Labour Welfare Fund Rules, 1949, the same having been previously published as required by sub-section (1) of the said section, namely:—

In rule 30 of the said Rules, after sub-rule (2), the following sub-rule shall be inserted, namely:—

"(3) A refund of duty of excise of the nature specified in sub-rule (2) may, subject to the like conditions, be also allowed in respect of the duty

of excise collected on raw coal during the course of its transport to the washery where the duty of excise is again collected on the washed coal sent from the washery to the consuming centres."

[No. M-1(17)51.]

**S.R.O. 100.**—In exercise of the powers conferred by section 10 of the Coal Mines Labour Welfare Fund Act, 1947 (XXXII of 1947), the Central Government hereby makes the following further amendment in the Coal Mines Labour Welfare Fund Rules, 1949, the same having been previously published as required by sub-section (1) of the said section, namely:—

In the second proviso to rule 31A of the said Rules after the word 'room', the words 'other than a store room', shall be inserted.

[No. M-12(2)52.]

*New Delhi, the 5th January 1953*

**S.R.O. 101.**—In exercise of the powers conferred by sub-section (1) of section 19 of the Minimum Wages Act, 1948 (XI of 1948), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Labour No. S.R.O. 1512, dated the 24th September 1951:—

In column 1 of the Schedule to the said notification for the entry "The Labour Inspector (Central), Mysore.", the following entry shall be substituted, namely:—

"The Labour Inspector (Central), Kolar (Gold Fields)."

[No. LWI-24(60).]

*New Delhi, the 6th January 1953*

**S.R.O. 102.**—In exercise of the powers conferred by section 10 of the Coal Mines Labour Welfare Fund Act, 1947 (XXXII of 1947), the Central Government hereby directs that the following further amendment shall be made in the Coal Mines Labour Welfare Fund Rules, 1949, the same having been previously published as required by sub-section (1) of the said section, namely:—

After rule 37 of the said Rules, the following rule shall be inserted, namely:—

"37A. Despatches of coal or coke which have escaped assessment.—If—

- (a) the Commissioner has reason to believe that by reason of the concealment by the owner of the particulars of despatches of coal or coke from any colliery, such despatches have escaped excise duty; or
- (b) notwithstanding there has been no such concealment of particulars as is mentioned in clause (a) on the part of the owner, the Commissioner has, in consequence of information in his possession, reason to believe that any despatches of coal or coke from a colliery have escaped excise duty;

the Commissioner may, in cases falling under clause (a) at any time within four years, and in cases falling under clause (b) at any time within two years of the end of the month the return in respect of which should have included such despatches of coal or coke which have escaped assessment, assess the excise duty payable thereon and all the provisions of these rules shall apply to the excise duty so assessed as if such assessment were included in the final assessment of excise duty under rule 37:

Provided that the Commissioner before exercising the powers conferred upon him under this rule shall give the owner a reasonable opportunity of being heard."

[No. M-1(8)/52.)]

P. N. SHARMA, Under Secy.

*New Delhi, the 31st December 1952*

**S.R.O. 103.**—In exercise of the powers conferred by section 95 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby directs that the following further amendment shall be made in the Employees' State

Insurance (Central) Rules, 1950, the same having been previously published as required by sub-section (1) of the said section.

After rule 2 of the said rules, the following rule shall be inserted, namely:—

“2A. *Election of members of Parliament to the Corporation.*—Each House of Parliament shall elect, in such manner as the Chairman of the Council of States or the Speaker of the House of the People, as the case may be, may direct, a person from among its Members to be a Member of the Corporation.”

[No. SS.121(64).]

**S.R.O. 104.**—WHEREAS the Central Government is satisfied that the employees in each of the factories and establishments specified in the Schedule hereto annexed are in receipt of benefits substantially similar or superior to the benefits provided under the Employees' State Insurance Act, 1948 (XXXIV of 1948);

Now, THEREFORE, in exercise of the powers conferred by section 90 of the said Act, the Central Government hereby exempts each of the said factories and establishments from all the provisions of the said Act:—

#### SCHEDULE

##### *Name of establishment and address*

1. Indian Naval Dockyard, Bombay.
2. I.N.S. “Shivaji”, Tiger's Leap, Lonavla.
3. I.N.S. “Valsura”, Rozi, Jamnagar.
4. Naval Store Depot, Vizagapatam.
5. Naval Store Depot, Bombay.
6. Naval Armament Supply Depot, Butcher Island.
7. Naval Armament Supply Depot, Waltair, Vizagapatam.
8. Naval Store Depot, Cochin.
9. Naval Base Engineering Workshop, Cochin.
10. Naval Armament Inspection Department, Bombay.
11. Naval Base, Madras.
12. Naval Base, Calcutta.

##### *Name of Ordnance or Clothing Factories*

#### WEST BENGAL

1. Metal & Steel Factory, Ishapore.
2. Rifle Factory, Ishapore.
3. Gun and Shell Factory, Cossipore.

#### UTTAR PRADESH

4. Ordnance Factory, Dehra Dun.
5. Ordnance Factory, Muradnagar.
6. Clothing Factory, Shahjahanpur.
7. Ordnance Factory, Kanpur.
8. Harness and Saddlery Factory, Kanpur.
9. Small Arms Factory, Kanpur.
10. Ordnance Parachute Factory, Kanpur.

#### MADHYA PRADESH

11. Ordnance Factory, Katni.
12. Gun Carriage Factory, Jubbulpore.
13. Ordnance Factory, Khamaria.

## BOMBAY

14. Machine Tool Prototype Factory, Ambarnath.
15. Ordnance Factory, Ambarnath.
16. High Explosive Factory, Kirkee.
17. Ammunition Factory, Kirkee.
18. Ordnance Factory, Bhusawal.
19. Ordnance Factory, Wadala.

## MADRAS

20. Cordite Factory, Aruvankadu.

[No. SS.138(10).]

**S.R.O. 105.**—In exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby exempts each of the factories and establishments specified in the Schedule hereto annexed from the payment of the employer's special contribution leviable under Chapter V-A of the said Act:—

## SCHEDULE

*Name of establishment and address*

1. Indian Naval Dockyard, Bombay.
2. I.N.S. "Shivaji", Tiger's Leap, Lonavla.
3. I.N.S. "Valsura", Rozi, Jamnagar.
4. Naval Store Depot, Bombay.
5. Naval Store Depot, Vizagapatam.
6. Naval Armament Supply Depot, Butcher Island.
7. Naval Armament Supply Depot, Waltair, Vizagapatam.
8. Naval Store Depot, Cochin.
9. Naval Base Engineering Workshop, Cochin.
10. Naval Armament Inspection Department, Bombay.
11. Naval Base, Madras.
12. Naval Base, Calcutta.

*Name of Ordnance or Clothing Factory*

## WEST BENGAL

1. Metal and Steel Factory, Ishapore.
2. Rifle Factory, Ishapore.
3. Gun and Shell Factory, Cossipore.

## UTTAR PRADESH

4. Ordnance Factory, Dehra Dun.
5. Ordnance Factory, Muradnagar.
6. Clothing Factory, Shahjahanpur.
7. Ordnance Factory, Kanpur.
8. Harness and Saddlery Factory, Kanpur.
9. Small Arms Factory, Kanpur.
10. Ordnance Parachute Factory, Kanpur.

## MADHYA PRADESH

11. Ordnance Factory, Katni.
12. Gun Carriage Factory, Jubbulpore.
13. Ordnance Factory, Khamaria.



## BOMBAY

14. Machine Tool Prototype Factory, Ambarnath.
15. Ordnance Factory, Ambarnath.
16. High Explosive Factory, Kirkee.
17. Ammunition Factory, Kirkee.
18. Ordnance Factory, Bhusawal.
19. Ordnance Factory, Wadala.

## MADRAS

20. Cordite Factory, Aruvankadu.

[No. SS.138(10).]

N. M. PATNAIK, Dy. Secy.

*New Delhi, the 31st December 1952*

**S.R.O. 106.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the award of the All India Industrial Tribunal (Bank Disputes), in a dispute between the Imperial Bank of India and its workmen.

**BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES)  
BOMBAY**

SERIAL NOS. 128 AND 129 IN REFERENCE NO. 2/52

(S.R.O. 42 DATED 8TH JANUARY 1952)

Shri Behari Lal Sah

Versus

Imperial Bank of India.

AND

Shri Hayat Singh

Versus

Imperial Bank of India.

**PRESENT:**Shri S. Panchapagesa Sastry—*Chairman.*Shri M. L. Tannan—*Member.*Shri V. L. D'Souza—*Member.***AWARD**

These are two of the disputes referred to us for adjudication under the Government of India, Ministry of Labour Notification No. S.R.O. 42, dated 8th January 1952. They appear in the Schedule as Serial Nos. 128 and 129 and the nature of the disputes as set out therein is as follows:—

**"Forced retirement from service."**

2. Notices were issued by registered post on 12th February 1952 to the workmen calling upon them to file their statements on or before 29th February 1952. The workmen were served in both the cases. The workmen sent only the letters of authority in favour of the Imperial Bank of India, Indian Staff Association, Calcutta and did not send any statements containing particulars of the disputes. In pursuance of our direction, the office wrote registered letters to the workmen on 5th September 1952 calling upon them to send their statements on or before 20th September 1952. They were also directed to send copies of the statements to the Bank. Copies of the letters were forwarded to the Bank with a request that the Bank should send its statements on or before 1st October 1952. Copies of the letters were also endorsed to the General Secretary of the Imperial Bank of India, Indian Staff Association for information. The workmen who received these letters did not send any statements. The solicitors for the Bank also wrote to us to say that they were treating

the matters as closed as the employees had not furnished the Bank with copies of statements. A reference to the records of the Sen Tribunal showed that when the disputes came before that Tribunal Dr. Gupta reported that the Secretary and Treasurer of the Bank informed the General Secretary of the Imperial Bank of India Indian Staff Association that the workmen had been permitted to continue in the Bank's service unless they themselves wished to retire. The Bank was asked to let us know the present position in view of what happened before the Sen Tribunal. The Bank informed us that both the workmen still continue in its service. This shows that no disputes can still exist between the Bank and the workmen. In these circumstances we pass an award that no orders are necessary.

(Sd.) S. PANCHAPAGESA SASTRY, *Chairman.*

(Sd.) M. L. TANNAN, *Member.*

(Sd.) V. L. D'SOUZA, *Member.*

**BOMBAY;**

*The 18th December, 1952.*

[No. LR-100(30).]

**S.R.O. 107.**—In exercise of the powers conferred by section 15 read with clause (b) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946), the Central Government hereby directs that the following further amendment shall be made in the Industrial Employment (Standing Orders) Central Rules, 1946, the same having been previously published as required by sub-section (1) of the said section, namely:—

In sub-rule (2) of rule 1 of the said Rules, after the words and letter "any Part A" the words and letter "or Part B" shall be inserted.

[No. LR.11(98).]

**S.R.O. 108.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following awards of the All India Industrial Tribunal (Bank Disputes), in respect of applications under section 33-A of the said Act preferred by certain workmen of banking companies.

**BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES)  
BOMBAY**

COMPLAINT No. 79/52 UNDER SECTION 33A OF THE INDUSTRIAL DISPUTES ACT, 1947

U.P. Bank Employees Union, Central Office, Agra, on behalf of

Shri Janki Nath Tewari, clerk, Allahabad Bank Ltd.,  
Lucknow

... *Complainant.*

*Versus*

The Allahabad Bank Ltd., Head Office, 6, Royal Exchange  
Place, Calcutta

... *Opposite Party.*

This is a complaint under Section 33A of the Industrial Disputes Act, 1947 (Act XIV of 1947), filed by the U.P. Bank Employees Union on behalf of one Shri Janki Nath Tewari, clerk, working in the Lucknow branch of the Allahabad Bank Ltd.

The allegations in the complaint are as follows:—Shri Janki Nath Tewari who is a permanent resident of Faizabad was working in the Faizabad branch of the Allahabad Bank Ltd. since May 1946. He enrolled himself as a member of the unit of the U.P. Bank Employees Union in December 1951. This caused a change in the attitude of the Manager who began to take exception to Tewari availing himself of leave even for one day and four days in January 1952. Further Shri Tewari did not submit himself to the preaching of the Agent Shri M. P. Dwivedi that all the employees should work on holidays and overtime without remuneration. One Shri Ram Laut Dwivedi, who happened to be the puppet of the Agent, also became a source of trouble. When Shri Tewari applied for one month privilege leave for his brother's marriage from 6th May 1952, the Agent granted him leave only from 12th May 1952. Shri Tewari was informed by Shri Ram Laut Dwivedi that he was to be dismissed by the Head Office. Thereupon Shri Tewari along with one Shri B. R. Singh addressed a representation on 1st May 1952 to the Head Office

of the Bank relating therein the whole story of their grievances which comprised mainly two points *viz.* (a) non-payment of overtime allowances, and (b) difficulty in grant of leave. The Head Office did not appreciate this, and the result was that Shri Tewari was transferred from Faizabad to Lucknow on 13th June 1952 on the strength of counter-allegations that might have been made by the Agent. Shri Tewari was forced to proceed to Lucknow at a time when his wife was sick. Accommodation was also not available in Lucknow. Shri Tewari happened to be the senior-most at Faizabad, and his transfer also affected his future career. His further representation to the Head Office about his difficulties did not meet with any response. The transfer was actually intended as a punishment and imposed considerable hardship upon Tewari. The transfer is in contravention of Section 33 of the Act and is not justified. The same must be cancelled, and the Bank must be directed to re-transfer him to Faizabad.

The Bank in its reply states as follows:—The complaint is not maintainable as it has not been made by the aggrieved person. The transfer was not effected by way of punishment. The employee was working at Faizabad since 1946. But the Bank did not know that the employee was a permanent resident of Faizabad. It has no knowledge of the Trade Union activities of the employee. It is not true to say that the employee was refused leave. The Agent only called the staff together and asked them to work honestly and sincerely. He did not ask them to work overtime without remuneration. The statements made about Shri Ram Laut Dwivedi are without foundation. The allegations relating to the grant of privilege leave are entirely false. The Bank did not take action on the representation sent by Shri Tewari and Shri B. R. Singh as it did not come through official channels. The employee cannot have any grievance against the Bank either in the matter of overtime allowance or in the matter of the sanction of leave. It is not correct to say that the employee was transferred as a result of the counter-allegations of the Agent against the employee. The services of two experienced clerks were urgently required in the Bank's main office in Lucknow and the employee was sent to fill one of those vacancies. It is not true that the employee was forced to proceed to Lucknow when his wife was sick. The employee did not make any representation on that score. On the other hand, when asked by the Head Office whether he wished the branch to make an application to cancel his transfer, the employee expressed his willingness to proceed to Lucknow as at that station he would get a substantial increase in his basic salary. The transfer has in no way affected the future career of the employee and was not intended as a punishment. No further representation was received by the Head Office from the complainant as alleged in paragraph 18 of the complaint. The complaint should be dismissed.

The case was taken up on 29th November 1952. Mr. Lawrie did not pursue the objection relating to the maintainability of the complaint. Even otherwise, we did not see any substance in the objection in view of the letter of authorization executed by the employee specifically authorizing the Union to file, to represent and to act on his behalf. Mr. Lawrie filed two affidavits before us; one was from Shri Mahesh Prasad Dwivedi, Agent of Faizabad Branch, and the other was from Daya Ram Pandey, Head Clerk of the Faizabad Branch. Both the deponents support the case of the Bank as set out in its reply statement. Quite apart from this, it appeared to us that the allegations in the complaint were rather vague. Under these circumstances we could only give pointed attention to the question whether the transfer brought out a reduction in the total emoluments of the employee as, in the event of the transfer reducing his emoluments, it might involve an element of punishment. Shri Porwal who appeared for the Union could not tell us whether the transfer in any way affected the salary and allowances of the employee. But Mr. Lawrie submitted that the transfer far from reducing his emoluments actually resulted in substantial increase of the same. But he wanted time to furnish the Tribunal with exact particulars. It was then practically agreed between the parties that the complaint was to be disposed of one way or the other, according as the transfer gave the employee higher or lower emoluments at Lucknow. The complaint was adjourned in order to enable Mr. Lawrie to obtain the necessary information from the Bank.

We have now before us the letter from the Bank which shows that the employee stands to gain by his transfer to Lucknow both in respect of his basic salary and dearness allowance. While at Faizabad he drew a basic salary of Rs. 109 with a dearness allowance of Rs. 38, at Lucknow his basic pay is Rs. 130 with a dearness allowance of Rs. 44-8-0. On the whole he gets Rs. 27-8-0 more in Lucknow than what he got at Faizabad. In the light of this information it is difficult to treat with any seriousness the charges that the transfer was intended as a punishment

and that it has affected the employee's future prospects. We are satisfied that there are no merits about this complaint. We therefore pass an award rejecting the same.

(Sd.) S. PANCHAPAGESA SASTRY, *Chairman.*

(Sd.) M. L. TANNAN, *Member.*

(Sd.) V. L. D'SOUZA, *Member.*

BOMBAY;

The 15th December, 1952.

BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES)  
BOMBAY.

COMPLAINT No. 68/52

Shri S. Viswanathan

*Versus*

The Central Bank of India, Ltd.

This is a complaint under Section 33A of the Industrial Disputes Act, 1947 by Shri S. Viswanathan employed as Assistant Cashier in the Central Bank of India Ltd. at its branch at Ambasamudram, Tinnevely District, Madras State.

2. The allegations in the complaint are as follows:—

The complainant had been in service for seven years. On 12th June 1952, there was a shortage of cash to the extent of Rs. 3,450. The complainant reported the matter at once and submitted also an explanation to the Tuticorin Agent of his Bank on 14th June 1952. Afterwards he sent another explanation to the Managing Director of the Bank on 28th June 1952. Copies of the said explanations are attached as enclosures to the complaint. Nevertheless, on 5th July 1952 he received an order dismissing him from service. According to him the dismissal is not legal and also not justified. There was no enquiry and no opportunity given to him to prove his innocence. The order of dismissal is based on an explanation dated 14th June 1952 which was obtained from him under threat of prosecution. The said order is also vitiated by partiality as it does not deal with other officers who are equally answerable and liable. The punishment is deterrent and beyond all proportion.

3. Even the two explanations dated 14th June 1952 and 28th June 1952 said to have been sent by him to the higher authorities admit that there was a shortage of cash and that he gave a promissory note to the Bank to cover the difference in amount apart from the sum of Rs. 400 which he paid in cash. It is also admitted that the Chief Cashier who had given a guarantee on his behalf paid Rs. 1,550 towards making good this shortage and that the complainant authorised an adjustment of his security deposit of Rs. 1,500 towards the same. He further admits that he paid the Chief Cashier who had advanced an amount of Rs. 1,550 a portion of the said amount by selling his wife's jewellery. He also promises to pay the balance. Finally, the two explanations aforesaid show that the keys of the strong room and the safe where the cash was kept were in the joint custody of the Agent (one set) and the complainant (another set) and that both sets of keys must be available to open the room and the safe.

4. The Bank's reply statement alleges that there was criminal misappropriation and breach of trust by this complainant. He has been appropriating Bank's money for his own personal use for over a period of two years as confessed to by him in his explanation submitted to the Bank on 14th June 1952. The shortage was discovered by the Agent when he noticed that a bundle of ten-rupee notes in the complainant's box was not found intact. When the officer counted the cash in the bundle he discovered that there were only 80 notes instead of 100. There was a shortage of Rs. 200 in that bundle. Thereafter when the officer proceeded to check up all the cash in the complainant's box as well as the reserve in the safe in the Strong Room, the complainant is said to have confessed to having taken away Rs. 3,500 in all for his own purposes out of which Rs. 50 had been replaced by him

on that very day. The result of the counting showed that there was a shortage of Rs. 3,250 in 19 bundles of 100 ten-rupee notes and Rs. 200 in 20 bundles of 100 ten-rupee notes each. According to the Bank's statement, the officer in charge of the Ambasamudram Pay Office and the complainant and the godown-keeper of the branch went to Tuticorin immediately and reported the matter to the Chief Cashier who had stood surety to the complainant. The complainant on that occasion told the Chief Cashier that the cash was stolen from his counter without his knowledge. This story was not believed since the theft of the amount from the counter was totally incompatible with the fact that the said shortage of notes was found in numerous stitched up bundles which were kept in the safe as well as in the cash box. Attempts were made to contact the Agent of the Tuticorin branch but as the Agent was out of Tuticorin the Accountant and Cashier of that branch enquired into the matter. The complainant was asked to give his explanation in writing and he is said to have given the explanation confessing his guilt. The original explanation signed by the complainant was forwarded to the Head Office and was produced by the Bank before us during the enquiry.

5. The complainant wants to make out that the cash was taken away by others who had access to the safe in the strong room. This story, however, cannot be accepted for the reason that one set of keys was with him and the rooms cannot be opened without the production of both sets, one in his custody and the other in the custody of the Agent. The complainant states that the confessional statement dated 14th June 1952 produced by the Bank was really obtained from him under threat of prosecution and does not set out the truth. We disbelieve this story. There is internal evidence to show that the facts must be as stated in the confession. The complainant had dealings with the local Co-operative Urban Bank and the references that are made in that confessional statement to such dealings could not be in the knowledge of any person other than the complainant. The outstanding fact remains that the complainant has willingly borne the loss and has not really questioned his liability for the payments made to cover the loss incurred by the Bank. He also admits that he was heavily indebted to others during the relevant period. We are satisfied that this is a case where there has been misappropriation of bank funds by the complainant in the course of his duties and the order of dismissal is right and proper.

6. It is true that the Bank did not obtain previous permission of this Tribunal to dismiss the complainant as it should have done under the terms of Section 33 of the Industrial Disputes Act, 1947. The proper course for the Bank would have been to suspend the employee immediately and to hold an enquiry in a proper manner and to report the result of the enquiry to the Tribunal and seek permission to dismiss him.

7. Notwithstanding the fact that previous permission has not been obtained, the matter has still to be decided on the merits of the case. As we have found already that the complainant was guilty of misappropriation of bank funds and the order of dismissal was right and proper, the only award that we can pass in the circumstances is to dismiss this complaint.

(Sd.) S. PANCHAPAGESA SASTRY, *Chairman*.

(Sd.) M. L. TANNAN, *Member*.

(Sd.) V. L. D'SOUZA, *Member*.

BOMBAY;

The 10th December, 1952.

[No. LR-100(18).]

New Delhi, the 7th January 1953

**S.R.O. 109.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the award of Shri S. H. Naik, Member, Industrial Court, Bombay, in respect of the application under section 33-A of the said Act, against the Bombay Port Trust, Bombay, preferred by Shri Mohiddin Noorsha, an employee of the Bombay Port Trust.

## BEFORE SHRI S. H. NAIK, INDUSTRIAL TRIBUNAL, BOMBAY.

COMPLAINT (IT-CG) No. 2 OF 1952 IN REFERENCE (IT-CG) No. 1 OF 1952.

Shri Mohiddin Noorsha—Complainant.

*Versus*

The Bombay Port Trust, Bombay—Opponent.

In the matter of complaint under Section 33-A of the Industrial Disputes Act of 1947.

*Appearances.*

Mr. S. D. Nariman for the Bombay Port Trust.

Mr. Manohar Kotwa for the opponent.

## AWARD

This is a complaint under section 33-A of the Industrial Disputes Act. The complainant alleges that he was employed by the Docks Manager of the Bombay Port Trust about 3 years ago and since then he was continuously serving the Port Trust as a Casual Mazdoor till his discharge. He states that since his childhood he has only one eye and this was known to the Manager of the Docks when the latter recruited him for service about three years ago. He complains that in August 1952 he was suddenly discharged by the Port Trust authorities on the ground that he had only one eye. He argues that if it was the rule of the Bombay Port Trust not to employ workmen having one eye he should not have been employed at all. According to him the Port Trust wants to deprive him of all the benefits and facilities available to him by discharging him during the pendency of the dispute referred to above.

2. The Port Trust has filed a written statement in which it contends that the complainant was never employed as a permanent workman and that he used to be allotted work strictly on a daily basis as and when work could be found for him. The engagement on each occasion, according to the Port Trust, being for a day only the question of discharging him from service could not arise.

3. The Port Trust further submits that section 33 of the Industrial Disputes Act has no application to the case of a casual worker like the complainant and that it has not committed a breach of that section by discharging him.

4. It was not disputed before me at the hearing of this complaint that the complainant is designated as a casual mazdoor and described as such in the records and registers of the Port Trust. It was, however, urged on his behalf that although he was described and designated as a casual mazdoor he was screened and selected as a workman, that he was given an identity card that he used to be allotted work in strict rotation and that all these facts go to show that he is not a casual mazdoor strictly so called. The Company has produced a specimen of cards issued to casual mazdoors. (Exh. C-1). It shows that the card is issued only for a period of a week and the work done by the casual mazdoor each day is described therein. It was urged by Mr. Nariman that the Port Trust was under no obligation to provide work to the complainant and that he was paid his wages for the days on which he was required to work. There being no contractual obligation on the part of the Port Trust to provide work to casual mazdoors for any fixed period of time, the complainant has been rightly designated as "a casual mazdoor." I do not think that the discharge of such a workman during the pendency of the dispute between the Port Trust and its employees does in any way violate the provisions of section 33 of the Industrial Disputes Act. The dispute relates to the demands made by the workmen in 'A' and 'B' categories. It does not concern any demands made by casual mazdoors. The nature of the complainant's employment was such that he could be discharged at any time by the Port Trust without notice.

5. The complainant has alleged that the Port Trust has dispensed with his service because he had only one eye but in its written statement the Port Trust does not say that that was the ground for his discharge. It is clear, therefore, that the complainant can make no grievance of his discharge by the Port Trust. The complaint is therefore dismissed.

(Sd.) S. H. NAIK, Industrial Tribunal.

(Sd.) K. R. WAZKAR, Secretary.

BOMBAY;

The 24th December 1952.

[No. LR-2(325)]

P. S. EASWARAN, Under Secy.

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*New Delhi, the 10th January 1953*

**S.R.O. 110.**—Whereas the Central Government is satisfied that public interest requires the extension of the period specified in the notification of the Government of India in the Ministry of Labour, No. S.R.O. 1207, dated the 5th July, 1952 declaring the coal industry so far as it is concerned with the production and supply of coal and coke to be a public utility service;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby declares the coal industry so far as it is concerned with the production and supply of coal and coke to be public utility service for the purposes of the said Act for a further period of six months commencing from the 14th January 1953.

[No. LR. 1(32)]

S. V. JOSHI, Dy. Secy.

